

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

NORMAN TODD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:07-cv-149-MEF
	)	
CITY OF CLANTON <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**ORDER**

On February 21, 2007, the Defendants filed a Motion to Dismiss (Doc. # 2). On March 9, 2007, the Plaintiff filed a Response (Doc. # 4). On March 16, 2007, the Defendants filed their Brief in Support of their Motion to Dismiss (Doc. # 6), along with evidentiary submissions in support thereof, consisting of a police report dated January 10, 2005 and Plaintiff's Notice of Claim.

On September 19, 2007, the Court entered an Order (Doc. # 11) advising the parties that Defendants' Motion to Dismiss will be treated as a Motion for Summary Judgment. The Court directed the parties to submit additional evidence in support or opposition to the motion. On October 3, 2007, Defendants' submitted a second Motion for Summary Judgment (Doc. # 20) and a supporting brief, which also supported the first Motion for Summary Judgment.

Therefore, it is hereby ORDERED as follows:

- (1) The first Motion for Summary Judgment (Doc. # 2) is DENIED as duplicative.
- (2) The arguments in the Defendants' first Motion for Summary Judgment will be considered when the Court rules on the Defendants' second Motion for Summary Judgment.

(3) The Court will enter a Scheduling Order that sets this case for trial.

Done this 25th day of March, 2008.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE